

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

THOMAS M. FOURNIER,

Plaintiff,

v.

Case Number 14-11206

Honorable David M. Lawson

Magistrate Judge Michael J. Hluchaniuk

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,  
GRANTING IN PART PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT,  
DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT,  
REVERSING THE DECISION OF THE COMMISSIONER,  
AND REMANDING FOR FURTHER PROCEEDINGS  
PURSUANT TO SENTENCE FOUR OF 42 U.S.C. § 405(g)**

Presently before the Court is the report issued on August 21, 2015 by Magistrate Judge Michael J. Hluchaniuk pursuant to 28 U.S.C. § 636(b), recommending that the Court grant the plaintiff's motion for summary judgment, deny the defendant's motion for summary judgment, reverse the decision of the Commissioner, and remand the case for further proceedings under sentence four of 42 U.S.C. § 405(g). Although the magistrate judge's report stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #13] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's motion for summary judgment [dkt. #11] is **GRANTED**.

It is further **ORDERED** that the defendant's motion for summary judgment [dkt. #12] is **DENIED**.

It is further **ORDERED** that the decision of the Commissioner is **REVERSED**.

It is further **ORDERED** that the matter is **REMANDED** to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand the administrative law judge adequately shall account for her finding that the claimant has moderate difficulties in concentration, persistence, or pace in the residual functional capacity determination, elicit additional testimony from a vocational expert if necessary, and provide good reasons for her findings.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: September 9, 2015

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 9, 2015.

s/Susan Pinkowski  
SUSAN PINKOWSKI